

## **REMARKS**

Reconsideration and withdrawal of the examiner's objections and rejections under 35 USC § 103 are respectfully requested in view of the foregoing amendments and the remarks below.

### **Election/Restrictions**

The examiner asserts that this application contains claims 13-14 drawn to an invention nonelected with traverse in Paper No. 7, and that a complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01. In response, applicants have cancelled claims 13-14.

### **Specification**

The examiner asserts that the title of the invention is not descriptive, that a new title is required that is clearly indicative of the invention to which the claims are directed, and that as the method has been elected, the words – and apparatus – should be deleted from the title. In response, applicants have amended the title according to the examiner's kind suggestion.

### **35 USC §103**

The examiner has rejected claims 1, 2, 4, 5, 7-11 under 35 USC 103(a) as being unpatentable over Fischer, USP 4,041,119 in view of Zyngier et al., USP 5,703,025 for the reasons cited in the previous office action, asserting that the cited primary reference substantially teaches the basic claimed process of molding soap bars having a variegated appearance, including the

instant claimed distinct zones, that the detailed features include providing a striated column of soap mass having at least two distinct zones of different material within the column, that the column is conventionally formed using a plodder having different nozzle systems connected to a nozzle plate with a plurality of openings, and flowing the linear columned material through the separate nozzle systems and through the nozzle plate openings to provide a striated soap mass, that twist roller assembly further twists the striated soap mass to give the striped mass a spiral appearance, and that the column is subdivided into blanks and pressed into final bar form in a conventional die. See col. 2, lines 1-30; col. 3, lines 8-45; col. 4, lines 5-15.

The examiner asserts that the cited primary reference does not set forth the feature of injecting into a mold via nozzle means, and that the added secondary reference teaches as conventional the feature of molding cleansing bars, also soap bars, by preparing a soap mixture and transferring the mixture into molds to allow conditioning and solidification of the mixture and to form the soap into bars. See claim 1 and claim 7, col. 3, lines 5-45.

The examiner further asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the extruded soap mass in soap molds as shown in the added reference, when performing the process set forth in the primary reference, as the use of mold forming allows conditioning and solidification of the mixture, while also giving a finished shape to the extruded mass into personal sized bars.

With respect to claims 4-5, see twister assembly 16 in USP 4,041,119 at col. 2, lines 20-45 and col. 3, lines 10-30.

With respect to claims 2, 7-9, see col. 2, lines 5-10. The examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of invention was made to further optimize the soap bar to include two different compositions for obtaining beneficial properties of both materials in one bar.

With respect to claims 10-11, see col. 2, lines 5-25 of USP 4,041,119.

In response, applicants have amended claims 1, 3, 4, 6 and 9 to distinguish the invention over Fischer and Zyngier et al., to make clear that injection molding is a requirement of the invention while noting the examiner comments that the instant claims were not limited to injection molding as previously argued.

As discussed in the last response, the skilled person would not be motivated to combine the teachings of Zyngier et al. and Fischer for at least the reasons that the type of detergent bar produced by each of these documents is different, and that the method used to produce each bar is also different.

In more detail, Zyngier et al. teaches a method of producing a transparent homogenous bar by cast molding. Fischer on the other hand teaches the preparation of a marbleized bar by the method of extrusion and stamping. Therefore both the products produced and the methods of production are both different and incompatible.

In addition, neither of these references teaches neither the method nor the bar composition of the invention, namely, multi-zone bars produced by injection molding, as recited by the now amended claims.

From the art being considered, it would seem that the skilled person would understand that there are generally two different methods for producing detergent bars. Cast molding techniques are typically used to produce high quality detergent bars the components of which are liquid at temperatures sufficiently low for the production of such bars to be commercially viable. Further, although cast molding can be used to produce bars with more than one zone, the patterns which may be obtained are generally very limited, and the well-known problem of shrinkage can often produce bars which are not of a quality acceptable to the user.

Extruded bars are more common, however it is difficult to produce bars which are not homogenous by virtue of the continual grinding and mixing of the substrate during production. This is borne out by the subject matter of Fischer, which discloses a step towards an extruded bar of more than one color. However, even this bar is only 'marbelized' and does not disclose a bar wherein there are two or more distinct zones.

An additional discussion of the above methods is provided in the instant specification on page 1, line 18 to page 6, line 15.

The injection molding technique of the invention as presently claimed however, facilitates the production of high quality, truly multizone bars with a throughput speed that makes the production of bars of this type commercially viable. Nothing in the cited art mentions or suggests such advantages. As a result, only a clear disclosure of a multi-zone bar produced by injection molding can render obvious the independent claims of this application. A simple disclosure of a multi-zone bar made by any other technique would not lead the skilled person directly and unambiguously to the subject matter of the invention, which is the process of injection molding of such bars.

In the absence of teaching of injection molding, there can certainly be no teaching of an injection molding process in which the first composition is injected from a first nozzle and the second composition is injected via a second nozzle as claimed in claim 1.

It is well settled that the Examiner cannot pick and choose among individual elements of assorted prior art references to re-create the claimed invention based on the hindsight of the applicants' invention. Rather, the Examiner has the burden to show some teaching or suggestion in the references to support their use in the particular claim combination. See Smith Klein Diagnostics Inc. v. Helena Laboratories Corp., 8 USPQ 2d 1468 (Fed.Cir. 1985). Additionally, the mere fact that it is possible to find isolated

disclosures which might be combined in such a way as to produce a new system, does not necessarily render such a system obvious unless the art also contains something to suggest the desirability of the proposed combination, i.e. the motivation to combine the references. In re Grabiak, 226 USPQ 2d 870, 872 (Fed.Cir. 1985). Consequently, applicants respectfully submit that the rejection under 35 USC 103(a) has now been overcome by the present amendment.

## **CONCLUSION**

In summary, the title of the specification and claims 1, 3, 4, 6 and 9 have been amended and claims 13 and 14 have been cancelled according to the examiners prior restriction requirement. Applicants respectfully request rejoinder of the withdrawn claims under MPEP § 821.04 after the product claims are allowed.

In light of the above amendment remarks, applicants submit that all claims now pending in the present application are in condition for allowance.

Reconsideration and allowance of the application is respectfully requested. If a telephone interview would facilitate prosecution of this application, the Examiner is invited to contact the undersigned.

Respectfully submitted,



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